



STATE OF WASHINGTON
WASHINGTON STATE BOARD OF HEALTH
*1102 SE Quince Street • PO Box 47990
Olympia, Washington 98504-7990*

November 14, 2001

TO: Washington State Board of Health Members

FROM: Carl Osaki, Board Member

RE: Update and Request to Revise Chapter 246-215 WAC,
Food Service Regulations

Background and summary

The purpose of Chapter 246-215 WAC is to establish State Board of Health standards for food service under RCW 43.20.050 to promote and protect the health, safety, and well being of the public and prevent the spread of disease by food (WAC 246-215-001). The food service rules adopted by the Board cover a wide range of activities including food preparation, protection from contamination, temperature control and cooking requirements, sanitary design of equipment and utensils, cleaning, worker sanitation, and pest control. Local health jurisdiction staff enforces Food Service regulations, and local boards of health may adopt more stringent regulations (WAC 246-215-280). The Board last revised these rules in 1992.

In response to concerns raised in a hearing on Senate Bill 5675, the Department of Health created the "Partners in Food Safety" committee in February 2001 (see attached letter from Mary Selecky to Representatives Chandler and Linville). This committee is made up of representatives of the food service industry, local health jurisdictions, labor organizations, and others. Its goals are to examine the need for amendments to the state's retail food regulations, share information, and address issues of common concern. The "Partners in Food Safety" met for the first time in April 2001.

The Department of Health also met with industry representatives, held public meetings, and requested comments, from March to September 2001. Input was received from local health jurisdictions; the Washington Restaurant Association; the Washington Food Industry; QFC, Inc.; Jack in the Box, Inc.; Washington State University Cooperative Extension; and other public and private sector stakeholders. Nearly all stakeholders said they would like to see the Food Service regulation revision process begin. (See attached letter from Bill White to the State Board of Health.)

The U.S. Food and Drug Administration (FDA) has developed model guidelines for regulating food service establishments called the "Food Code." Thirty states have adopted the Food Code, and 15 other states are in the process of adopting most of the provisions of the Food Code.



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Members of the food service industry and local health jurisdiction staff have expressed agreement that the state's food service rules need to be more consistent with the provisions of the Food Code regarding manager knowledge, the exclusion of ill workers from food preparation, temperature controls (refrigeration, cooking, cooling, reheating, etc), and other areas. The Department of Health has also identified rules that could benefit from clarification, such as bare hand contact with ready to eat foods. (See attached DOH "Major Differences between WAC 246-215 and FDA 1999 Food Code.")

Board action recommended

The Board should designate me as the rule sponsor and direct its Executive Director to issue a CR101 indicating the Board's intention to consider revising the Food Service regulations to better protect the health, safety, and well being of the public and prevent the spread of disease by food. The rule revision process should examine developing regulations that are more consistent statewide, using the FDA Food Code as a guide.

Cc: Mary Selecky, Secretary, DOH
Bill White, Assistant Secretary, DOH
Jennifer Tebaldi, Food Safety & Shellfish Program, DOH
Ned Therien, Public Health Advisor, DOH
The Honorable Gary Chandler, House Agriculture and Ecology Committee
The Honorable Kelli Linville, House Agriculture and Ecology Committee
The Honorable Marilyn Rasmussen, Senate Agriculture and International Trade Committee

Attachments:

Letter from Mary Selecky to Representatives Chandler and Linville,
February 13, 2001, and attached letter from Mary Selecky to Senator
Rasmussen, February 12, 2001
Letter from Bill White to State Board of Health, November 6, 2001
DOH "Major Differences between WAC 246-215 and FDA 1999 Food
Code."